

FEB 04 2011

INSIGHT BIOTEK INC.

TO: USPTO
Attention: Patricia Duffy
FAX#: 571-273-8300
DATE: Feb 4, 2011

FROM: Diane Van Alstyne
FAX #:
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OF PAGES: 1 REF: /

Re: Application of van Alstyne, et al.

Application No. 09/489,850

METHODS TO CLEAR MENINGITIS-CAUSING AGENTS USING ANTIBODIES TO PEPTIDES
REPRESENTING EPITOPIC SITES FOR BACTERIAL AND VIRAL MENINGITIS CAUSING AGENTS

Insight Biotech has 2 issued patents (5,510,264 & 5,556,757) describing a common antigen found in all meningitis-causing organisms tested.

Our attorneys, Foley and Lardner, filed 2 applications of this work to the treatment and prevention of meningitis:
No. 08/988,444 - data describing use of our monoclonal antibodies as therapeutics, and
No. 09/489,850 - data describing the use of our peptide antigens in a novel, universal vaccine.

My understanding has been that the '444 application has been permanently abandoned.

On reading the most recent office action of December 20, 2010, I see that data from the '444 application has mistakenly been included in the vaccine application, '850.

Foley and Lardner has terminated our business with them and returned our records from Washington. Now I see that the petition that you reviewed was a jumble of data from both applications and that the petition with the new claim set was never returned to me from their Chicago office which drafted the most recent submission.

This makes it difficult to reply to the office action. I have left a phone message with Patricia Duffy's office and hope to discuss this with her.

We are happy to comply with the examiner's requests and will do everything in our power to complete this application as soon as possible.

Please advise.

D Van Alstyne

Diane Van Alstyne

Feb 4, 2011

Date